

044633/19344/MHW/JJL/BRF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

DEANDRE CRAWFORD,

Plaintiff,

v.

DR. ANGUINALDO, C/O ANASTACIO, C/O
CANNAHAN, C/O RAGUSA, CHIEF
ENGINEER DOLY, C/O DANALWHICH, L.
DIAZ, LT. BENNETT, LT. BURKBILE, LT.
MR. GIVENS, SGT. CARROLL, SGT. HART,
SGT. HEPLIN, SGT. WHITFIELD, WARDEN
PFISTER, DR. SALAH OBAISI, and
WEXFORD HEALTH SOURCES, INC.
(nominal defendant),

Defendants.

Case Number 18-cv-4882

Hon. Judge Edmond E. Chang

**DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT
OF THEIR MOTION FOR SUMMARY JUDGMENT FOR PLAINTIFF'S FAILURE TO
EXHAUST HIS ADMINISTRATIVE REMEDIES**

NOW COME Defendants, EVARISTO AGUINALDO, M.D., and GHALIAH OBAISI, as Independent Executor of the Estate of SALEH OBAISI, M.D., by and through their attorneys of CASSIDAY SCHADE LLP, pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, and for their statement of undisputed material facts in support of their motion for summary judgment related to the exhaustion of administrative remedies, state as follows:

UNDISPUTED MATERIAL FACTS¹

1. Plaintiff, DeAndre Crawford #M30080, is an inmate of the IDOC and is currently incarcerated at Lawrence in Sumner, Illinois. *See* Plaintiff's IDOC Offender Search Profile, attached hereto as Exhibit "1".

¹ Defendants submit this statement of undisputed material facts solely for the Court to take the facts in the light most favorably to the plaintiff, and Defendants hereby reserve their right to dispute any of the following facts should the case proceed beyond this dispositive motion.

2. On July 17, 2016, Plaintiff filed his Complaint in this prisoner civil rights lawsuit, pursuant to 42 U.S.C. § 1983 while he was incarcerated at Stateville Correctional Center (“Stateville”). *See Plaintiff’s Complaint, attached hereto as Exhibit “2”.*

3. Defendant Dr. Saleh Obaisi was employed as the medical director of Stateville at the times relevant to this lawsuit. [ECF Doc. 5, ¶ 21].

4. Defendant Dr. Aguinaldo was employed as a medical doctor at the times relevant to this lawsuit. [ECF Doc. 5, ¶ 22].

5. Plaintiff alleges Defendants Dr. Aguinaldo and Dr. Obaisi failed to prescribe treatment or pain medication for Plaintiff when he presented to them for pain about the time he was deprived of his mattress by IDOC staff. [ECF Doc. 5, ¶¶ 107-110].

6. On February 8, 2019, the Administrative Review Board (“ARB”) was served with a subpoena requesting any and all grievances records of the Plaintiff, Deandre Crawford (#M30080). *See ARB Subpoena and Returned Grievance Records, attached hereto as Exhibit 3, bates-stamped documents ARB - Crawford 000001-231.*

7. On July 15, 2016, Plaintiff filed a grievance that relates to his allegations that he was deprived of a mattress by the IDOC facility. [Ex. 3, ARB - Crawford 000062-63]. However, this grievance does not name, identify, or otherwise describe Defendants Aguinaldo or Obaisi, and does not mention their alleged misconduct whatsoever. *Id.*

8. On July 17, 2016, Plaintiff filed an emergency grievance related to his allegations that he was deprived of a mattress by the IDOC facility. [Ex. 3, ARB - Crawford 000056]. However, this grievance does not name, identify, or otherwise describe Defendants Aguinaldo or Obaisi, and does not mention their alleged misconduct whatsoever. *Id.* Stateville’s Warden marked this grievance as a “non-emergency” and directed Plaintiff to submit the grievance “in

the normal manner.” *Id.*

9. On July 18, 2016, Plaintiff filed an emergency grievance related to his allegations that he was deprived of a mattress by the IDOC facility. [Ex. 3, ARB - Crawford 000054]. However, this grievance does not name, identify, or otherwise describe Defendants Aguinaldo or Obaisi, and does not mention their alleged misconduct whatsoever. *Id.* Stateville’s Warden marked this grievance as a “non-emergency” and directed Plaintiff to submit the grievance “in the normal manner.” *Id.*

10. On July 19, 2016, Plaintiff filed an emergency grievance related to his allegations that he was deprived of a mattress by the IDOC facility. [Ex. 3, ARB - Crawford 000055]. However, this grievance does not name, identify, or otherwise describe Defendants Aguinaldo or Obaisi, and does not mention their alleged misconduct whatsoever. *Id.* Stateville’s Warden marked this grievance as a “non-emergency” and directed Plaintiff to submit the grievance “in the normal manner.” [Ex. 3, ARB - Crawford 000055].

11. On July 20, 2016, Plaintiff filed a grievance that relates to his allegations that he was deprived of a mattress by the IDOC facility. [Ex. 3, ARB - Crawford 000052-53]. However, this grievance does not name, identify, or otherwise describe Defendants Aguinaldo or Obaisi, and does not mention their alleged misconduct whatsoever. *Id.*

12. On July 23, 2016, Plaintiff filed a grievance that relates to his allegations that he was deprived of a mattress by the IDOC facility. [Ex. 3, ARB - Crawford 000059-60]. However, this grievance does not name, identify, or otherwise describe Defendants Aguinaldo or Obaisi, and does not mention their alleged misconduct whatsoever. *Id.*

13. On July 27, 2016, Plaintiff filed a grievance that relates to his allegations that he was deprived of a mattress by the IDOC facility. [Ex. 3, ARB - Crawford 000057-58]. However,

this grievance does not name, identify, or otherwise describe Defendants Aguinaldo or Obaisi, and does not mention their alleged misconduct whatsoever. [Ex. 3, ARB - Crawford 000057-58].

14. On August 10, 2016, the facility grievance officer reviewed Plaintiff's July 15, 2016 grievance (Grievance #3165) and found the issue was moot since Plaintiff received a mattress on July 29, 2016. [Ex. 3, ARB – Crawford 000051].

15. On August 18, 2016, Plaintiff appealed his July 15, 2016 grievance to the ARB. [Ex. 3, ARB – Crawford 000051].

16. On March 2, 2017, the ARB found Plaintiff's grievance (Grievance #3165) moot since he received a mattress on July 29, 2016. [Ex. 3, ARB – Crawford 000050].

17. Plaintiff submitted no additional grievances that relate to the allegations contained in his Complaint. *See generally* Ex. 3, all ARB grievance documents.

Respectfully submitted,

CASSIDAY SCHADE LLP

By: /s/ Brett R. Furmanski

One of the Attorneys for Defendants,
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of the Estate of SALEH OBAISI, M.D. and
EVARISTO AGUINALDO, M.D.

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CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2019 I electronically filed the foregoing document with the clerk of the court for Northern District of Illinois, Eastern Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of E-Filing” to the attorneys of record in this case.

/s/ Brett R. Furmanski

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